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HOUSE BILL 445

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Joni Marie Gutierrez

AN ACT

RELATING TO TORTS; PROVIDING EXCLUSION FROM THE WAIVER OF IMMUNITY FOR IRRIGATION AND CONSERVANCY DISTRICTS THAT AUTHORIZE ANY PART OF THEIR PROPERTY TO BE USED AS PART OF TRAILS WITHIN A STATE PARK, STATE TRAIL SYSTEM OR A LOCAL PUBLIC TRAIL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 41-4-6 NMSA 1978 (being Laws 1976, Chapter 58, Section 6, as amended) is amended to read:

"41-4-6. LIABILITY--BUILDINGS, PUBLIC PARKS, MACHINERY, EQUIPMENT AND FURNISHINGS.--

A. The immunity granted pursuant to Subsection A of Section [~~5-14-4 NMSA 1953~~] 41-4-4 NMSA 1978 does not apply to liability for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public

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underscored material = new
[bracketed material] = delete

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1 employees while acting within the scope of their duties in the
2 operation or maintenance of any building, public park,
3 machinery, equipment or furnishings.

4 B. Nothing in this section shall be construed as
5 granting waiver of immunity for any damages arising out of the
6 operation or maintenance of works used for diversion or storage
7 of water.

8 C. All irrigation and conservancy districts and
9 their public employees acting lawfully and within the scope of
10 their duties that authorize any part of their property to be
11 used as part of trails within a state park, the state trail
12 system or a trail established and managed by a local public
13 body are excluded from the waiver of liability under Subsection
14 A of this section for damages arising out of the operation or
15 maintenance of that state park, state trail system or local
16 public trail."